	Application No.	Applicant(s)
Advisory Action ***Before the Filing of an Appeal Brief***	10/710,795	KUMER, GOPESH
	Examiner	**Art Unit**	
	ANTHONY MEJIA	2451	

THE REPLY FILED <u>28 August 2010</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☒ The period for reply expires <u>3</u> months from the mailing date of the final rejection.

   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

      Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☒ The Notice of Appeal was filed on <u>08/28/2010</u>. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

      NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☒ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: <u>1-8 and 10-19</u>.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:

   _____.

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☒ Other: <u>See Continuation Sheet</u>.

/John Follansbee/
Supervisory Patent Examiner, Art Unit 2451

/A.M./
Patent Examiner, Art Unit 2451

Continuation of 7.It is hereby again noted by Examiner, that in Office Actions dated on 09/15/2009 + 05/25/10, it was noted that the use of the trademarks COMPUSERVE, Prodigy, AMERICAN ONLINE AT&T,Verizon, MICROSOFT WIDOWS,MICROSOFT INTERNET EXPLORER, NETSCAPE NAVIGATOR, LYNX, AND MOSAIC, has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology. Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner, which might adversely affect their validity as trademarks.

In the instant case, amendment section to the specification pars [0050-0052] is included as part of remarks, and is on the same page with applicant's arguments.Therefore, applicant's amendment to the specification can not be properly processed as disclosed in 37 CFR 1.121 (h) requires that each section of an amendment document (e.g., amendment to the claims, amendment to the specification, replacement drawings, and remarks) MUST begin on a separate sheet., therefore Applicant's amendments are not in compliance and will not be entered. Applicants are advised to resubmit amendments to the specification on a separate page, such that amendements can be entered as a whole. Appropriate correction is REQUIRED

Continuation of 13. does NOT place the application in condition for allowance because:

Applicant's arguments filed 08/28/2010 have been fully considered but they are not persuasive for the reasons below.

Applicants argue on page 11 of Remarks, that the present invention does not utlize or include a voice mail option as there is no connection formed or based in response to a voice mail as taught by Laurie et al. (US 7,289,623) (hereinafter as Laurie 1)
As to the argument above, Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Applicants argue on page 12 of Remarks, that the Applicant is not suggesting that Faber is only limited to voice message, but that Faber in combination with Laurie does not teach the present invention.
As to the argument above, Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Applicants state on page 12 of Remarks, that the objective of the current invention is to provide a system that will enable users to contact Service Providers from various Internet interfaces by communications vehicles such as voice telecommunications.
As to the rebuttal above in response to Examiner's argument that Applicant's claim limitation "providing an Internet platform where said Internet Platform is an Internet-based system used to initiate a live conversation with a Service Provider via a computer or other electronic mobile device over the Internet" has been considered.

Applicants argue on page 13 of Remarks, that the the prior art does not teach or suggest the claim limitations presented in the current application, specifically the limitations directed toward "the Internet Platform" and its corresponding processes is what applicant regards as his invention.
As to the argument above, Examiner respectfully disagrees. Examiner directs Applicants to par [0013], which hereby recited: "The current invention utilizes the Internet. The Internet comprises a vast number of computers and computer networks that are interconnected through communication links. The interconnected computers exchange information using various services, such as electronic mail, Gopher, and the World Wide Web ("WWW"). The WWW service allows a server computer system (i.e., Web server or Web site) to send graphical Web pages of information to a remote client computer system. The remote client computer system can then display the Web pages. Each resource (e.g., computer or Web page) of the WWW is uniquely identifiable by a Uniform Resource Locator ("URL"). To view a specific Web page, a client computer system specifies the URL for that Web page in a request (e.g., a HyperText Transfer Protocol ("HTTP") request). The request is forwarded to the Web server that supports that Web page. When that Web server receives the request, it sends that Web page to the client computer system. When the client computer system receives that Web page, it typically displays the Web page using a browser. A browser is a special-purpose application program that affects the requesting of Web pages and the displaying of Web pages." Examiner relies on par [0013] to disclose the limitation of "Internet Platform" recited in Claim 1. Faber et al. (US 2002/0010608) (hereinafter as Faber) discloses in par [0027] and shown in FIG. 1, customer computers 100 and service provider computers 200 are connected through a network 500 (such as the Internet) to host computer or web server ("controller computer") 300. Persons skill in the art will recognize that said controller computer 300 may consist of more than one computer working together to provide the controller computer 300 functions described herein. The customers and service providers each have telephones 400 that are connected to the telephone network 600. In FIG. 1, the Internet network 500 and telephone network 600 are shown as two separate entities, though persons skilled in the art will realize that they do overlap. See FIG. 2. Additionally, the controller computer 300 has the functionality of a standard web server, capable of interacting dynamically with service providers and customers. In addition to the standard operation, the controller computer 300 is linked to a telephone interface 700 that enables the controller computer 300 to set up, initiate, confirm, and track conversations between the customers and service providers. The controller computer 300 has the ability to accept phone calls from service providers for the purpose of changing the service provider's state of availability. In accordance with FIG. 1 the computers 100 and 200 are connected to the controller computer 300 by the network 500. Specifically, customers and service providers will use their computers to establish a connection to the Internet network 500. Once a connection has been established, service providers and customers will enter the URL, or Internet address, of the controller computer 300. In a preferred embodiment, customers and service providers will be presented with the web page illustrated in FIG. 3. Also, in pars [0009-0012] that One embodiment includes an Internet web site as part of the delivery mechanism of the invention. Customers who want to purchase services through the web site will register with the web site. Registration can include providing a credit card number for billing purposes. Service providers who offer their services over the web site will register as well. Each service provider's registration information includes a description of the service or services provided, the service provider's qualifications, and information concerning the service provider's fees. The service categories can include any service deliverable over a telephone. Customers will be able to search for and identify one or more service providers   who may be able to provide the desired services. Once one or more

service providers are identified, the system will also identify which service providers are available to provide immediate services so that customers will know if a particular service provider is available to provide service at that given moment. The customer will also have the option of viewing the credentials or qualifications of the service providers. If a service provider is not available to speak with customers at that moment, the customers can send a message to the service provider through the web site. If, on the other hand, the service provider is immediately available, the customer can initiate a "service call" through the web site with the service provider. In such a case, the computer associated with the web site initiates a telephonic conference call between the service provider and the customer, billing the customer for the duration the conference call at the rate set by the service provider. The service provider then receives all or part of the fees collected from the customer by the web site. Therefore, Faber clearly teaches the limitation of "Internet Platform". Applicants are respectfully reminded that the Claims are given the broadest reasonable interpretation.

Applicants argue on pages 13-14 of Remarks, with respect to Claims 18 and 10, that applicant still contends Penfield does not teach or suggest within a system of multiple providers with varying call rates or the use of various Service Providers. Specifically, Applicants point to col.3, lines 18-21 and argue that this portion of Penfield does not describe this use and a variable rate is only mentioned in passing and the use of variable rates associated with a plurality of Service Providers is neither taught nor suggested for the billing system of Penfield to be used in combination with either Lurie or Olshansky.

As to the argument above, Examiner acknowledges that the arguments above have already been responded to in the previous response to Applicant, see pages 5-6 of Office Action dated 25 September 2010.

Applicants argue on pages 15-17 of Remarks, with respect to Claim 1, Applicants argue that Claim 1 has been previously and currently amended to include the limitation "providing an Internet platform wherein said Internet platform is an Internet-based system used to initiate a live converstation with a Service Provider via a computer or other elctronic mobile device over the Internet" which properly amends the Claims to include limitations argued by Applicant. In view of Applicant's current and previous amendments to Claims, withdrawl of this rejection is respectfully requested.

As to the arguments above, Examiner respectully disagrees. Examiner directs Applicants to par [0013], which hereby recited: "The current invention utilizes the Internet. The Internet comprises a vast number of computers and computer networks that are interconnected through communication links. The interconnected computers exchange information using various services, such as electronic mail, Gopher, and the World Wide Web ("WWW"). The WWW service allows a server computer system (i.e., Web server or Web site) to send graphical Web pages of information to a remote client computer system. The remote client computer system can then display the Web pages. Each resource (e.g., computer or Web page) of the WWW is uniquely identifiable by a Uniform Resource Locator ("URL"). To view a specific Web page, a client computer system specifies the URL for that Web page in a request (e.g., a HyperText Transfer Protocol ("HTTP") request). The request is forwarded to the Web server that supports that Web page. When that Web server receives the request, it sends that Web page to the client computer system. When the client computer system receives that Web page, it typically displays the Web page using a browser. A browser is a special-purpose application program that affects the requesting of Web pages and the displaying of Web pages." Examiner relies on par [0013] to disclose the limitation of "Internet Platform" recited in Claim 1. Faber et al. (US 2002/0010608) (hereinafter as Faber) discloses in par [0027] and shown in FIG. 1, customer computers 100 and service provider computers 200 are connected through a network 500 (such as the Internet) to host computer or web server ("controller computer") 300. Persons skill in the art will recognize that said controller computer 300 may consist of more than one computer working together to provide the controller computer 300 functions described herein. The customers and service providers each have telephones 400 that are connected to the telephone network 600. In FIG. 1, the Internet network 500 and telephone network 600 are shown as two separate entities, though persons skilled in the art will realize that they do overlap. See FIG. 2. Additionally, the controller computer 300 has the functionality of a standard web server, capable of interacting dynamically with service providers and customers. In addition to the standard operation, the controller computer 300 is linked to a telephone interface 700 that enables the controller computer 300 to set up, initiate, confirm, and track conversations between the customers and service providers. The controller computer 300 has the ability to accept phone calls from service providers for the purpose of changing the service provider's state of availability. In accordance with FIG. 1 the computers 100 and 200 are connected to the controller computer 300 by the network 500. Specifically, customers and service providers will use their computers to establish a connection to the Internet network 500. Once a connection has been established, service providers and customers will enter the URL, or Internet address, of the controller computer 300. In a preferred embodiment, customers and service providers will be presented with the web page illustrated in FIG. 3. Also, in pars [0009-0012] that One embodiment includes an Internet web site as part of the delivery mechanism of the invention. Customers who want to purchase services through the web site will register with the web site. Registration can include providing a credit card number for billing purposes. Service providers who offer their services over the web site will register as well. Each service provider's registration information includes a description of the service or services provided, the service provider's qualifications, and information concerning the service provider's fees. The service categories can include any service deliverable over a telephone. Customers will be able to search for and identify one or more service providers who may be able to provide the desired services. Once one or more service providers are identified, the system will also identify which service providers are available to provide immediate services so that customers will know if a particular service provider is available to provide service at that given moment. The customer will also have the option of viewing the credentials or qualifications of the service providers. If a service provider is not available to speak with customers at that moment, the customers can send a message to the service provider through the web site. If, on the other hand, the service provider is immediately available, the customer can initiate a "service call" through the web site with the service provider. In such a case, the computer associated with the web site initiates a telephonic conference call between the service provider and the customer, billing the customer for the duration the conference call at the rate set by the service provider. The service provider then receives all or part of the fees collected from the customer by the web site. Therefore, Faber clearly teaches the limitation of "Internet Platform". Applicants are respectfully reminded that the Claims are given the broadest reasonable interpretation.

Applicants argue on pages 17-18 of Remarks, with respect to Claim 2, Applicants specifically disagree that Lurie 1 teaches having a pop-up window prompting a user to enter their phone number to make a connection. In further, Applicants argue that Claim 2 also include the argued "Internet platform" limitation which provides means "to initiate a live conversation with a Service Provider via a computer or other electronic mobile device over the Internet" and "for making a   connection and transferring speech and text".

As to the argument above, in that that Lurie 1 fails to teach the step of having a pop-up window prompting a user to enter their phone number to make a connection, Examiner respectfully disagrees. Applicants are respectfully reminded that the Claims are given the broadest reasonable interpretation. Claim 2 merely recites that a pop-window is utilized to prompt a user to enter their phone number to enter their phone number to make a connection. Examiner directs applicants to pars [0027-0028] and [0035] and figs. 5 and 13, in which fig.13, specifically states: "Ether.com will immdieatly call you at the phone number you have previously entered"..and pars [0027-0028] discloses that additionally, the controller computer 300 has the functionality of a standard web server, capable of interacting dynamically with service providers and CUSTOMERS. In addition to the standard operation, the controller computer 300 is linked to a telephone interface 700 that enables the controller computer 300 to SET UP, initiate, confirm, and track conversations between the customers and service providers. The computers 100 and 200 are connected to the controller computer 300 by the network 500. Specifically, customers and service providers will use their COMPUTERS to establish a connection to the Internet network 500. In further, Faber acknowledges that the Internet network 500 and telephone network 600 are shown as two separate entities, though persons skilled in the art will realize that they do overlap. Applicants are respectfully reminded that the Claims are given the broadest reasonable interpretation and are advised to further amend the claim(s) in order to patenably distinguish the claimed invention over the prior art of record.

Furthermore, As to the arguments above in that Claim 2 also include the argued "Internet platform" limitation which provides means "to initiate a live conversation with a Service Provider via a computer or other electronic mobile device over the Internet" and "for making a connection and transferring speech and text" which is not taught or suggested by the prior art.Examiner respectfully disagrees. Examiner directs Applicants to par [0013], which hereby recited: "The current invention utilizes the Internet. The Internet comprises a vast number of computers and computer networks that are interconnected through communication links. The interconnected computers exchange information using various services, such as electronic mail, Gopher, and the World Wide Web ("WWW"). The WWW service allows a server computer system (i.e., Web server or Web site) to send graphical Web pages of information to a remote client computer system. The remote client computer system can then display the Web pages. Each resource (e.g., computer or Web page) of the WWW is uniquely identifiable by a Uniform Resource Locator ("URL"). To view a specific Web page, a client computer system specifies the URL for that Web page in a request (e.g., a HyperText Transfer Protocol ("HTTP") request). The request is forwarded to the Web server that supports that Web page. When that Web server receives the request, it sends that Web page to the client computer system. When the client computer system receives that Web page, it typically displays the Web page using a browser. A browser is a special-purpose application program that affects the requesting of Web pages and the displaying of Web pages." Examiner relies on par [0013] to disclose the limitation of "Internet Platform" recited in Claim 1. Faber et al. (US 2002/0010608) (hereinafter as Faber) discloses in par [0027] and shown in FIG. 1, customer computers 100 and service provider computers 200 are connected through a network 500 (such as the Internet) to host computer or web server ("controller computer") 300. Persons skill in the art will recognize that said controller computer 300 may consist of more than one computer working together to provide the controller computer 300 functions described herein. The customers and service providers each have telephones 400 that are connected to the telephone network 600. In FIG. 1, the Internet network 500 and telephone network 600 are shown as two separate entities, though persons skilled in the art will realize that they do overlap. See FIG. 2. Additionally, the controller computer 300 has the functionality of a standard web server, capable of interacting dynamically with service providers and customers. In addition to the standard operation, the controller computer 300 is linked to a telephone interface 700 that enables the controller computer 300 to set up, initiate, confirm, and track conversations between the customers and service providers. The controller computer 300 has the ability to accept phone calls from service providers for the purpose of changing the service provider's state of availability. In accordance with FIG. 1 the computers 100 and 200 are connected to the controller computer 300 by the network 500. Specifically, customers and service providers will use their computers to establish a connection to the Internet network 500. Once a connection has been established, service providers and customers will enter the URL, or Internet address, of the controller computer 300. In a preferred embodiment, customers and service providers will be presented with the web page illustrated in FIG. 3. Also, in pars [0009-0012] that One embodiment includes an Internet web site as part of the delivery mechanism of the invention. Customers who want to purchase services through the web site will register with the web site. Registration can include providing a credit card number for billing purposes. Service providers who offer their services over the web site will register as well. Each service provider's registration information includes a description of the service or services provided, the service provider's qualifications, and information concerning the service provider's fees. The service categories can include any service deliverable over a telephone. Customers will be able to search for and identify one or more service providers who may be able to provide the desired services. Once one or more service providers are identified, the system will also identify which service providers are available to provide immediate services so that customers will know if a particular service provider is available to provide service at that given moment. The customer will also have the option of viewing the credentials or qualifications of the service providers. If a service provider is not available to speak with customers at that moment, the customers can send a message to the service provider through the web site. If, on the other hand, the service provider is immediately available, the customer can initiate a "service call" through the web site with the service provider. In such a case, the computer associated with the web site initiates a telephonic conference call between the service provider and the customer, billing the customer for the duration the conference call at the rate set by the service provider. Also, Faber acknowledges that the Internet network 500 and telephone network 600 are shown as two separate entities, though persons skilled in the art will realize that they do overlap. The service provider then receives all or part of the fees collected from the customer by the web site. Therefore, Faber clearly teaches the limitation of "Internet Platform". Applicants are respectfully reminded that the Claims are given the broadest reasonable interpretation.

In further, with respect to the arguments of Claims 3-17 which depend on Claims 1 and 9, applicants arguments are not persuasive for the same reasons discussed above.

As to the arguments presented on pages 18-22 of Remarks with respect to Claims 18-19, Examiner acknowledges that all said arguments have already been responded to in the previous response to Applicant, see pages 5-6 of Office Action dated 25 September 2010.